

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lisa Jean Isham,

Civil No. 13-2377 (JRT/SER)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Carolyn Colvin,
Acting Commissioner of Social Security,

Defendant.

Lionel H. Peabody, Esq., Duluth, Minnesota, for Plaintiff.

Pamela Marentette, Esq., Minneapolis, Minnesota, for Defendant.

STEVEN E. RAU, United States Magistrate Judge

The above-captioned case comes before the undersigned on Plaintiff Lisa Jean Isham's ("Isham") Application for Attorney's Fees Under the Equal Access to Justice Act ("EAJA") ("Motion for Fees") [Doc. No. 37]. Isham died on May 30, 2015. (Statement Noting Death of a Party) [Doc. No. 41]. Prior to her death, Isham assigned any EAJA fees to her attorney, Lionel H. Peabody. (Mot. for Fees ¶ 5); *see also* (Soc. Sec. & SSI Disability Fed. Ct. Appeal Fee Agreement, Attached to Decl. in Supp. of Mot. for Fees) [Doc. No. 38-1 ¶ 5].

The parties stipulated that because Isham assigned the entitlement of EAJA fees to her attorney, no substitution of party is necessary. (Joint Stipulation for EAJA Fees) [Doc. No. 44 at 2]. The parties also agree that EAJA fees should be awarded. *See generally* (*id.*).

Based upon all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. The Application for Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 37] is **GRANTED**;
2. Plaintiff Lisa Jean Isham ("Isham") be awarded attorney fees in the amount of \$6,273.00, subject to offset by any preexisting debt that she owes to the United States; and
3. Pursuant to the assignment of EAJA fees from Isham to her attorney, Lionel H. Peabody, the Commissioner be directed to pay the above-awarded fees, minus any applicable offset, directly to Lionel H. Peabody, PO Box 10, Duluth, MN 55801-0010.

Dated: July 8, 2015

s/Steven E. Rau
STEVEN E. RAU
United States Magistrate Judge

Notice

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore, not appealable directly to the Eighth Circuit Court of Appeals.

Under D. Minn. LR 72.2(b)(1) "a party may file and serve specific written objections to a magistrate judge's proposed findings and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after objections are filed; or (2) from the date a timely response is filed.